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EXAMINER

PRASAD, CHANDRIKA

ART UNIT PAPER NUMBER

2839

DATE MAILED: 04/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/771,211

Applicant(s)

PETRI, HECTOR D.

Examiner

Chandrika Prasad

Art Unit

2839

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1. 6) ☐ Other:

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the followings must be shown or the feature(s) canceled from the claims 1-19. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

- Radius of curvature.
- Axis of curvature of the radius of curvature.

Specification

2. The following is a quotation of an appropriate paragraph of 37 CFR 1.75:

(d) The claim or claims must conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description. (See 1.58(a)).

3. Specification is objected under 37 C.F.R. 1.75(d) because:

Claim 1, lines 8-9 recite "radius of curvature is tangent at said panel to a line normal to said panel and passing through said hole and said axis curvature is on a plane parallel to said panel", which is not described in the specification.

Claim 6, lines 8-10; Claim 13, lines 11-13 and Claim 19, lines 11-13 recite similar features, which are not described in the specification.

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

5. The abstract of the disclosure is objected to because it is too general and not indicative of the invention. Correction is required. See MPEP § 608.01(b).

Art Unit: 2839

Claim Objections

6. Claims 13-16 are objected to because of the following informalities:

Claim 13, line 4: "gor" should be changed to -- for --.

Claim 1, line 2; claim 6, line 2; Claim 11, line 1; Claim 13, line 1; Claim 17, line 2 and Claim 19, line 1: "a" should be inserted before "fiber optic cable".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- "greater cable bend radius" is not clear (see claim 1, lines 2-3; claim 6, lines 2-3; claim 11, line 2; claim 13, lines 3-4; claim 17, line 4 and claim 19, lines 3-4). It does not specify any parameter to which it is greater than.
- "radius of curvature having an axis of curvature" is not clear (see claim 1, lines 5-6; claim 6, line 6; claim 11, lines 5-6; claim 13, lines 8-9; and claim 19, lines 8-9). Radius of curvature is just a line, which has no axis. A curvature has an axis.
- Claim 1, lines 8-9 recite "radius of curvature is tangent at said panel to a line normal to said panel and passing through said hole and said axis curvature is on a plane parallel to said panel", which is not clear and such a feature is not described in the specification.

Art Unit: 2839

Claim 6, lines 8-11; Claim 13, lines 11-13; and Claim 19, lines 11-13 recite similar features, which are not clear.

9. Claim 1 recites the limitation "said axis curvature" in line 9. There is insufficient antecedent basis for this limitation in the claim.

10. Claim 6 recites the limitation "said hole's edge" in lines 3 and 10. There is insufficient antecedent basis for this limitation in the claim.

11. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: Claim 17, line 2 recites a first surface but does not specify any element, which has this surface.

12. Claim 17 recites the limitation "a system guide surface" in lines 6-7. There is insufficient antecedent basis for this limitation in the claim.

Note: For the purposes of this analysis, it has been assumed that the guide has a curved surface and the guide can be affixed near a hole in a panel such that the axis of the curved surface is either parallel to or perpendicular to the panel.

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Art Unit: 2839

14. Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Carney et al.

Carney (Figures 8-10) shows a guide 118 attached a hole defined by support columns 92 in a panel or sidewall (not numbered). The guide has curved surfaces 114. Each surface has a radius of curvature not less than a specified minimum bend radius and the curved surface has an axis wherein the surface is tangent to a line normal to the panel, and the axis is on a plane parallel to the panel.

15. Claims 17-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Maynard et al.

Maynard (Figures 4-11) shows a modular cable guide system having a plurality of identical guide units 100, each unit having a guide surface 110 with a radius of curvature not less than a specified minimum cable bend radius and adapted to be stacked to an adjacent unit to form a system guide surface, and attachment means 126 for attaching the guide units to a panel 140.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 2, 7, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carney et al. in view of Lozano.

Carney shows all the features of these claims as described in Paragraph 14 above except a clip for attaching the guide to the panel. Carney shows guide 118 attached to the

Art Unit: 2839

panel by pins 118 on lugs 116 on the guide engaging holes 94 in the support column. The instant invention does not provide any reasons or specific problem to be solved by using a clip. The use of clips is general knowledge and widely used in household, commercial and industrial applications to attach two parts together. Lozano (Figure 6) shows a clip 10 to attach two panels 82 and 84 together. It would have been obvious to one having ordinary skill in the art at the time of the instant invention to use a clip to join Carney's guide to the panel because this would be much simpler and cheaper to join the two parts together. The use of holes and pins as shown by Carney requires additional manufacturing steps and alignment of the parts during assembly whereas a clip does not require any alignment of parts being attached.

18. Claims 3, 5, 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carney et al. as modified by Lozano as applied to claims 2 and 7 above, and further in view of Maynard et al.

Carney and Lozano show all the features of these claims as described in Paragraph 17 above except an alternate means for attaching the guide so that the axis of curvature is normal to the panel. Maynard (Figures 3-11) shows cable guides 36, 100 with alternate attachment means 35, 126 for attaching to a panel 140 such that the axis of the curved surfaces 32, 110 would be normal to the panel. It would have been obvious to one having ordinary skill in the art at the time of the instant invention to use a guide as shown by Maynard because this would provide a cable support in a direction parallel to the panel for cables running parallel to the panel.

19. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maynard et al.

Art Unit: 2839

Maynard (Figures 6-11) shows a cable guide 100 with a guide surface 110 having a radius of curvature not less than a specified cable bend radius and has attachments means (tabs) 126 for engaging corresponding holes in a panel 140 such that the axis of curvature would be normal to the panel on which it is mounted. Maynard (Figure 3) shows an alternate attachment means (holes 35) adapted to allow a screw to pass through for attachment to a panel. But Maynard does not show tabs on the panel and means (holes) for attachment in the guide to engage the tabs. It would have been obvious to one having ordinary skill in the art at the time of the instant invention to provide tabs on the panel and holes in the guide instead of tabs on the guide and holes in the panel because this would require a mere rearrangement of parts involving only routine skill in the art. In re Japiske, 86 USPQ 70.

Allowable Subject Matter

20. Claims 4, 9, 15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, and other objections as set forth in this Office action.

21. Claim 19 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, and other objections as set forth in this Office action.

22. The following is a statement of reasons for the indication of allowable subject matter:

The instant invention relates to a cable guide for optical fiber cables providing a curved surface having a radius of curvature not less than a specified minimum cable bend radius. The guide has a primary means for attachment to a panel such that the axis of the

Art Unit: 2839

curved surface is parallel to the panel, and a secondary means for attachment to a projection extending normal to the plane such that the axis of the curved surface is normal to the panel on which it is mounted. Such dual attachment means for a cable guide, not found in prior art, provides a means to orient the guide surface in a direction parallel or normal to the mounting panel.

Conclusion

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Orlando and Fritz also show cable guides having curved surface with radius of curvature not less than a specified minimum cable bend radius and attached to a panel adjacent a hole in the panel.

Contact Information

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chandrika Prasad at (703) 308-0977. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus, can be reached at (703) 308-3119. The fax number for this Group is (703) 872-9318 (general) and (703) 872-9319 for after-final. Any inquiry of a general nature should be directed to the Group receptionist whose telephone number is (703) 308-1782.



Chandrika Prasad

April 20, 2002